

REMARKS*1. Status of claims*

After entry of the above amendment, claims 1-10, 24, 28-29, and 32-48 are pending and under consideration. Claim 9 has been withdrawn from examination.

2. Support for amendment

The above amendment finds support at Figures 10-11; p. 11, lines 6-17; and p. 13, lines 3-14. No new matter has been added.

3. Claim rejections under 35 U.S.C. §103

The Examiner rejected claims 1, 3-5, 8, 10, 24-27, and 32-48 under 35 U.S.C. §103(a) as being unpatentable over Ohura et al., 1999 ("Ohura") in view of Chen et al, US 5,707,962. In light of the above amendment, Applicants respectfully traverse this rejection.

As amended, the pending claims recite compositions having pH values less than 5.

Neither Ohura nor Chen teaches or suggests compositions having pHs less than 5. First, the mere fact that Ohura used MCPM, an acidic calcium phosphate compound, is insufficient to determine the pH of Ohura's composition. The relative concentration of MCPM and basic TCP in Ohura's composition and the uncertainty of the solubility of the various salts makes it impossible to determine the pH of Ohura's composition. Chen is silent regarding which if any pH is preferred. Therefore, claims 1, 3-5, 8, 10, 24, and 32-48, as amended, are nonobvious over Ohura and Chen and this rejection should be withdrawn.

The Examiner also rejected claims 1-8, 10, and 28-29 under 35 U.S.C. §103(a) as being unpatentable over Kwan *et al.*, US 6,187,047 ("Kwan") in view of Constantz, US 5,047,031 ("Constantz"). Applicant respectfully traverses this rejection.

As amended, the pending claims recite compositions having pH values less than 5.

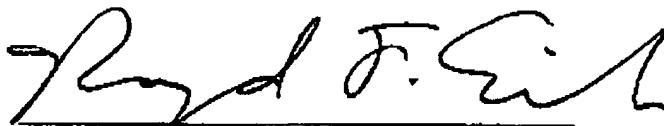
Neither Kwan nor Constantz teaches or suggests compositions having pH values less than 5. The teachings of Constantz have been addressed repeatedly by both the Examiner and Applicants. Kwan teaches compositions having a pH of 7.5 ± 0.5 (col. 4, lines 24-29). Therefore, claims 1-8, 10, and 28-29 are nonobvious over these references and this rejection should be withdrawn.

4. *Final remarks*

Applicants submit all pending claims under consideration are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 45488



October 17, 2005

Raymund F. Eich, Ph.D.
Reg. No. 42,508
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4065
(713) 934-7011 (fax)

AGENT FOR APPLICANT